REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 2 is cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 1 and 3-8 are pending. Claims 1 and 3 are amended, and claims 7 and 8 are added. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Claim for Priority

It is gratefully appreciated that the Examiner has recognized the Applicants' claim for foreign priority.

Acknowledgement of Information Disclosure Statement

It is gratefully appreciated that the Examiner has acknowledged the Information Disclosure Statements filed on November 19, 2003, March 21, 2005, September 12, 2005, and November 21, 2005.

Rejection Under 35 U.S.C. § 112, second paragraph

Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claim 3 to correct the deficiency specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which

Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. §103(a)

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Khosravi (U.S. 6,361,546) in view of Brooks et al. (U.S. 6,346,116), and

claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Khosravi in view of Brooks et al., and further in view of Rosenbluth (WO 99/56801). These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 has been amended herein to recite a combination of elements directed to a thrombus capture catheter, including inter alia

The Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Khosravi (U.S. 6,361,546) and Brooks et al. (U.S. 6,346,116).

As will be understood from the revised independent claim 1, distinguishing features of the present invention includes:

(a)The crossed wire member is comprised of plural wires spirally configured and crossed with one another, and

(b)The thrombus capture member (3) is fixed at the proximal end thereof to the shaft (2), while the distal end of the thrombus capture member (3) is slidable on the shaft (2).

According to the present invention, the thrombus capture member (3) is expandable to its original condition by the sliding movement of the distal end of the thrombus capture member (3) when protruded from said sheath (1). Further, the thrombus capture member (3) is recontractable when the sheath (1) is pushed to the distal side of the blood vessel while keeping the shaft (2) under the fixed state. Accordingly, the thrombus capture catheter of the present invention possesses an excellent capture property, expandability and contractility and enables capture of the thrombus reliably and the performing percutaneous transluminal angioplasty with ease.

In contrast thereto, Khosravi merely discloses a vascular filter comprising an expandable frame (14) and a filter material. However, the frame of Khosravi is comprised of a plurality of struts or splines and biased to assume its enlarged condition. Thus, the filter material of Khosravi would be prevented from uniform contact with the wall of the blood vessel, allowing the thrombus to flow to the downstream side of the diseased site.

In addition, Khosravi does not teach or suggest the configuration of the crossed wire member of the present invention comprising plural wires spirally configured and crossed with one another.

In addition, Brooks et al. merely discloses a self-expanding filter assembly having a proximal end longitudinally fixed to a delivery member and a distal end longitudinally fixed to the delivery member, and including a frame composed of several struts (34, 38,56) or helical members (90).

Brooks et al. clearly teaches that both ends of the filter assembly are fixed in the longitudinal position, but are capable of rotational movement independent of the guidewire core while maintaining the longitudinal position. Thus, it is essential for the filter assembly ends to be rotatable independent of the guidewire core to collapse the frame and filter of the assembly when drawn into the sheath. This means that the struts (34, 38, 56) or helical member (90) must spirally extend around the guide wire in the same direction. If the several struts (34, 38, 56) or helical members (90) are crossed with one another, the struts or helical members are prevented from being collapsed since the filter assembly is fixed int eh longitudinal position. Thus, it is believed that the Examiner has made an error in the determination of the subject mater of Brooks et al.

In the vascular filter of Khosravi, the struts are attached at the distal or proximal ends thereof to the outer surface of the tubular member, and at the opposite proximal or distal ends thereof to an annular collar that is slidable on the tubular member. Thus, the longitudinal positions of the filter end vary with the collapsed or enlarged condition of the filter. This differs greatly in collapsing mechanism form the filter assembly of Brooks et al.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Khosravi (U.S. 6,361,546) and Brooks et al. (U.S. 6,346,116).

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

As noted, the subject matter of objected-to claim 4 has been incorporated into claim 1. Therefore, claim 1 is in condition for allowance. Further, dependent claims 2-10, 12-14, 16-18, 20-22, 21-22, 27-28, and 33-35 are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (Direct Line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated. December 27, 2006

Respectfully submitted,
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